

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK ALEXANDER BERRY,

Petitioner,

v.

TAMMY L. CAMPBELL,

Respondent.

No. 2:24-cv-00212-TLN-DMC

ORDER

Petitioner, a state prisoner proceeding with retained counsel, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On August 26, 2024, the magistrate judge filed findings and recommendations herein which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The Court has reviewed the file and finds the findings and recommendations to be supported by the record and by the Magistrate Judge's analysis.

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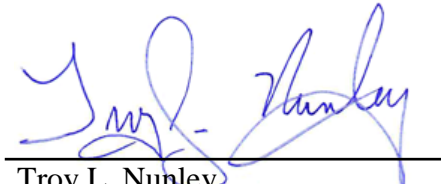
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Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed August 26, 2024 (ECF No. 14) are ADOPTED IN FULL.
2. Petitioner's motion for stay (ECF No. 2) is GRANTED.
3. Respondent's motion to dismiss (ECF No. 8) is DENIED.
4. This matter is stayed pursuant to *Rhines v. Weber* pending exhaustion of Claim Three in state court.
5. Petitioner shall file a report on the status of state court proceedings within 60 days of the date of this order and every 60 days thereafter pending further order of this Court.
6. This matter is referred back to the assigned Magistrate Judge for further proceedings.

IT IS SO ORDERED.

Date: September 20, 2024


Troy L. Nunley
United States District Judge